

LOTHAR E.S. BUDIKE, JUNIOR

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1 Gamble, the entire package. And when you  
2 say the "entire package," the load  
3 metering, the contract mechanism and all  
4 that other stuff, yes.

5 Q. Anyone else? Anybody else  
6 you can think of?

7 A. Not off the top of my head.

8 Q. Let's go back to the  
9 counterclaim. Let's go to Paragraph 90  
10 on Page 9. Let's go to -- I'm sorry,  
11 let's go to Page 32, Paragraph 207.

12 Page 207 -- I mean,  
13 Paragraph 207 you allege -- I have a  
14 count here for tortious interference with  
15 prospective contractual relations. Other  
16 than Bell Atlantic, tell me who you  
17 actually had -- were in contract  
18 negotiations with and lost the contract  
19 because of the actions of NewEnergy?

20 A. BG&E.

21 Q. Okay. Other than BG&E, is  
22 there anyone else?

23 A. Not that I can remember  
24 right off the top of my head, but BG&E

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1 Q. Do you have any facts to  
2 tell me whether anyone at NewEnergy knew  
3 about specific discussions with  
4 prospective customers of yours at the  
5 time?

6 A. Only BG&E.

7 Q. Okay. Nobody else?

8 A. That I could tell you with a  
9 matter of fact.

10 Q. And how about with existing,  
11 is BG&E the only existing one, it would  
12 be both existing or prospective?

13 A. I don't have any factual  
14 statements that they went around to -- I  
15 don't have anything factual.

16 Q. I'm not asking you whether  
17 they went around. I'm asking you --  
18 factually they have any knowledge of the  
19 identity of your prospective or existing  
20 customers other than BG&E and Bell  
21 Atlantic?

22 A. They would have a general  
23 knowledge of who my customers are because  
24 they're so limited in nature. Because

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1 was the main one. That was our biggest  
2 contract.

3 Q. That was a contract. I'm  
4 not talking about existing contracts, I'm  
5 talking about prospective contracts.

6 A. Oh, prospective contracts.  
7 Well, there were several prospective  
8 contracts, I believe, that were in the  
9 pipeline at the time. And as soon as  
10 this hit the -- hit the street, everybody  
11 started talking about it.

12 Q. Can you name me the names?

13 A. No, I can't name them off  
14 the top of my head. I'd have to look at  
15 the sales pipeline chart, look at the  
16 dates.

17 Q. Did you have any -- when  
18 you -- when you say "sales pipeline," did  
19 you have just general discussions with  
20 them?

21 A. There might have been  
22 general discussions with some, there  
23 might have been proposals on the table  
24 with others.

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1 they would know who I already signed up  
2 to the program from my -- from my press  
3 releases, and they would know that  
4 there's only three utilities in every  
5 state -- or two.

6 So, I mean, but I don't know  
7 that they contacted those utilities in  
8 order to say something. But they would  
9 know who my prospective clients would be.

10 Q. Well, do you have any --  
11 other than assuming from what's your  
12 press release out there, I'm talking --  
13 had anybody at NewEnergy or anyone else  
14 ever communicate to you about --  
15 specifically about NewEnergy's knowledge  
16 of who your prospective customers were?

17 A. Not from the NewEnergy side.

18 Q. Okay.

19 MR. LANDAU: I need a  
20 minute. Let's take a two-minute  
21 break.

22 - - -

23 VIDEO TECHNICIAN: Off the  
24 record at 4:56.